

REMARKS

Status of the claims

Claims 1-7 are pending in the application. Claims 8-17 are cancelled.

Rejection under 35 U.S.C. §112, 1st paragraph

Claims 8-16 have been rejected under 35 U.S.C. §112, 1st paragraph for an asserted lack of enablement. While not acquiescing to the rejection, claims 8-16 have nonetheless been cancelled to facilitate the allowance of the claims. As such, the rejection is rendered moot and withdrawal thereof is respectfully requested.

Rejection under for obviousness-type double patenting

Claims 1-16 have been rejected for obviousness-type double patenting as being obvious over claims 1-24 of US 2005/017079 (App. No. 10/772,192). Attached hereto is terminal disclaimer filed in view of the '192 application. Withdrawal of the rejection is therefore respectfully requested.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

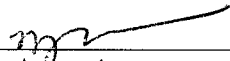
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact MaryAnne Armstrong, PhD Reg. No. 40,069, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated:

NOV 24 2009

Respectfully submitted,

By  _____

MaryAnne Armstrong

Registration No.: 40,069

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant